



Atty. Docket No.: 219781/2035 PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Vladimir I. Slepnev
Serial No.: 10/719,185
Filed: November 21, 2003
Entitled: Sampling Method and Apparatus for
Amplification Reaction Analysis

Examiner: Horlick, K.

Group Art Unit: 1637

Conf. No.: 3232

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

I hereby certify that the paper (and any paper or fee referred to as being enclosed) is being deposited with the United States Postal Service using Express Mail to Addressee Service, under 37 C.F.R. Section 1.10, **Express Mail Label No. EV 809096215 US** on this date, **August 23, 2006**, postage prepaid, in an envelope addressed to Mail Stop: Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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REJECTION OVER A PRIOR PATENT**

Dear Sir:

Primera BioSystems, Inc., the owner of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No.: 7,081,339. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a

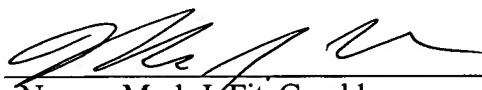
maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner for Patents is hereby authorized to charge the Terminal Disclaimer fee necessary under 37 CFR 1.20(d), and any additional necessary fees, to Deposit Account No. 16-0085, Reference 219781/2035. The undersigned is an attorney or agent of record.

Respectfully submitted,

Date: August 23, 2006



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